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Under Authority
Conferred by 28 U.S.C. § 515
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUKE BRUGNARA,

Defendant.

Case No. CR 08-222-001-WHA

UNITED STATES OF AMERICA'S
MOTION TO WITHDRAW OR
OTHERWISE TERMINATE WRIT OF
EXECUTION

Comes now the plaintiff, United States of America, by counsel, and moves the Court pursuant to Fed. R. Civ. P. 41(a)(2) for an order withdrawing and otherwise terminating the execution proceeding currently pending before the Court. On May 23, 2013, The United States filed an Application for Writ of Execution ("Application") and requested that the Court issue a writ of execution authorizing the U.S. Marshals to seize and levy on certain valuable artwork in Defendant's possession. [Docket No. 186.] On July 8, 2013, the Court granted in part the United States' Application and authorized the seizure of nine identified paintings in the United States' Application. [Docket No. 202.] On July 22, 2013, the Court issued a Writ of Execution authorizing the U.S. Marshal to seize the nine identified paintings and to contract with an auction house, art dealer, or other agent to handle the seizure. [Docket No. 210.]

On August 9, 2013, pursuant to the Court's Order and issued Writ of Execution, the U.S. Marshal, accompanied by its authorized contractor, seized seven of the nine paintings identified in the Writ.¹ [Docket No. 220.] Pursuant to this Court's July 9, 2013 Order, the authorized contractor conducted an appraisal of the seized property. On August 15, 2013, the contractor informed the undersigned that that the seized paintings did not have any significant value and appeared to be reproductions of original works.

Because the paintings do not appear to have any significant value and appear to be reproductions, the United States will no longer pursue a sale of the seized property. Further, the U.S. Marshal will arrange to have the seized property returned to the Defendant. As the United States will not pursue a sale of the seized property and the seized property will be returned to the Defendant, no further proceedings are necessary in this matter. Accordingly, the United States moves the Court for an order withdrawing and otherwise terminating the execution proceedings currently pending before the Court.

Dated: August 16, 2013

Respectfully Submitted,

BRIAN STRETCH
Attorney for the United States,
Acting Under Authority
Conferred by 28 U.S.C. § 5150

/s/ Raven M. Norris

RAVEN M. NORRIS
Assistant United States Attorney
Attorneys for Plaintiff

¹ The U.S. Marshal informed the undersigned that two paintings were not seized because the paintings were damaged. *See also* Notice of Levy, Docket No. 220.